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OFFICE OF PETITIONS

In re Application of :
David Alan Roberts et al : NOTICE OF ISSUANCE OF
Application No. 09/890,384 : ERRRATUM VACATING
Filed: February 15, 2002 : PATENT GRANT
Attorney Docket No. PH99012GL :
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The purpose of this notice is to advise you that the above-identified application was mistakenly indicated to have been granted as U.S. Patent No. 6,924,252 on August 2, 2005.

The record discloses that a Notice of Allowance and Issue Fee Due was mailed on November 17, 2004 requiring submission of the issue fee on or before February 17, 2005 to avoid the abandonment of the application. There is no indication that a signed and completed Part B - Fee(s) Transmittal form was timely received. The record further shows that a Part B form was apparently prepared by USPTO personnel and the issue fee charged to a deposit account belonging to another law firm.

The communication received September 27, 2005, indicates that the USPTO was never instructed, by either the law firm or the client, to charge the deposit account for this fee nor was a check in payment of the issue fee ever submitted.

The patent statute conditions issuance of the patent on payment of the issue fee. See 35 U.S.C. § 151, ¶ 2 ("[u]pon payment of this sum [the issue fee], the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned"). Accordingly, as the issue fee was not paid on or before the due date of February 17, 2005, the application is abandoned. Since the application is abandoned, the USPTO's publication on August 2, 2005 of a patent document, purporting

to be a patent, was in error. Accordingly, the following erratum will be published in the Official Gazette:

All reference to Patent No. 6,924,252 to David Alan Roberts et al of the United Kingdom for WEED CONTROL appearing in the Official Gazette of August 2, 2005 should be deleted since no patent was granted.

This application will be processed as an abandoned application and a Notice of Abandonment will mailed in due course.

Any questions concerning this matter may be directed to Frances Hicks at (571) 272-3218.



Charles Pearson
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cc:

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